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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,270	07/06/2000	Akihiro Oishi	35.G2613	4805
5514	7590	01/29/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			DANG, DUY M	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 01/29/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,270

Applicant(s)

OISHI, AKIHIRO

Examiner

Duy M Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-23 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant is informed that a reference (US Patent No. 6,301,390) cited in PTO-892 is an update document of the US Application No 08/714,700 cited in IDS filed 7/27/2000 (paper #2). Thus, there is no initialized copy of said IDS accompanied herein.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-6, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Reininger et al. (US Patent No. 5,426,463).

Regarding claim 1, Reininger teaches an image coding apparatus (i.e., the “compression system” generally shown in figure 2 and mentioned in col. 2 lines 11-13 functions as the so called “image coding apparatus”) comprising:

input means for inputting motion-image data (see “video input” shown at 2 in figure 1 and 10 in figure 2 and mentioned in col. 6 lines 33-34);

control means (see “processor” shown at 27 of figure 2) for outputting an encoding parameter (i.e., the “quantization factor” outputted from “p MEM” comprised in processor 27 to quantization 14 corresponds to the so called “encoding parameter” according to figure 2 and col. 7 lines 35-37) such that an amount of code provided when the input motion-image data is encoded in units of predetermined sizes is a predetermined amount of code (see col. 2 line 48 to col. 3 line 53. Note that the “8x8 blocks” (col. 2 line 51, for example) corresponds to the so

Art Unit: 2621

called “units of predetermined size”, the “target bit allocation R_j ” (col. 3 line 24) corresponds to the so called “amount of code”, and the “target R_{GOP} ” (col. 2 line 67 and shown in equation 2 in col. 3) corresponds to the so called “predetermined amount of code”);

storage means for storing the encoding parameter output from said control means (see the “quantization table” or “q MEM” disclosed at item 27 of figure 2 and mentioned in col. 7 lines 35-37);

selecting means for selecting the encoding parameter output from said control means or a past encoding parameter stored in said storage means (the selection of the quantization factors mentioned in col. 4 line 11 and lines 27-50 (note the different quantization factor is selected for encoding different type of frame namely I/P/B frames and these quantization factors are stored in the look-up tables shown in figures 4-6)); and

encoding means for encoding the motion-image data input by said input means using the selected encoding parameter (see “encoder” generally shown in figure 2 and mentioned in col. 6 lines 15-16. Note that the video signal input at 10 in figure 2 corresponds to the so called “motion-image data” according to col. 6 lines 33-34. The so called “selected encoding parameter” is met by the quantization factor stored in “q MEM” in processor 27. Note that this quantization factor is selected from look-up table shown in figures 4-6 and mentioned in col. 4 lines 26-50)

Regarding claim 2, Reininger further teaches wherein said selecting means selects a predetermined number of frames of the input motion-image data (see the “GOP” mentioned in col. 2 line 68 and col. 3 lines 5-21) from the top (Note that this claimed features are inherently included in Reininger because it is how encoder performs i.e., encoding the first I frame of GOP

Art Unit: 2621

refers to encode the motion data from the top because: I-frame refers to the background or DC part of the GOP that is located at the upper left corner of the image data block in two-dimension representation) by the use of the encoding parameter output from said control means (see ‘quantization factor” stored in quantization table or q-MEM according to item 27 of figure 2 and col. 7 lines 35-37) and selects the subsequent frames of the input motion-image data by the use of the encoding parameter stored in said storage means (i.e., encoding P and B frames subsequently according to col. 3 lines 19-20).

Regarding claim 3, Reininger further teaches comprising detecting means for detecting a change between frames of the input motion-image data (see item 12 (subtraction) shown in figure 2 functions as the so called “detecting means” because it is how subtraction performs), wherein said selecting means selects an encoding parameter according to the output of the detecting means (The selection of the quantization factor from tables shown in figures 4-6 (note that each table represent the quantization factor for each type of frame namely I/P/B frames).

Regarding claim 5, Reininger further teaches wherein said encoding means adaptively selects an intra-encoding mode or an intra-encoding mode to encode the motion-image data (see “intraframe” and “interframe” mentioned in col. 2 lines 40-42) .

Regarding claim 6, Reininger further teaches wherein said encoding means forcedly executes the intra-encoding mode at a predicted period (.see “intraframe” mentioned in col. 2 lines 40-42).

Regarding claim 9, Reininger further teaches wherein said encoding means comprises quantization means for quantizing the motion-image data (see “quantization” shown at 14 of figure 2 and mentioned at col. 6 lines 39-40), wherein the quantization parameter of the

Art Unit: 2621

quantization means is used as the encoding parameter (see “quantization factor” mentioned in col. 7 lines 35-37).

Regarding claim 10, Reininger further teaches wherein said encoding means executes encoding conforming to the MPEG-1 or MPEG-2 standard (see “MPEG encoding” mentioned in col. 5 line 50, and col. 2 lines 31-36).

Regarding claim 11, it is noted that claim 11 is a method claim and recites the similar features called for in claim 1 above. Thus, claim 11 is rejected for the same reasons as set forth in claim 1 above.

Regarding claim 12, it is noted that claim 12 recites the similar features called for in claim 11 above except the features of a program. Thus, the advanced statements as applied to claim 11 above are incorporated herein. Reininger further teaches using a program (see col. 6 line 58 to col. 7 lines 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reininger et al. (US Patent No. 5,426,463) in view of Stevens (US Patent No. 6,111,609).

The advanced statements as applied to claim 1 with regard to Reininger above are incorporated herein.

Art Unit: 2621

Regarding claim 4, While Reininger further teaches wherein said input means comprises capture means for capturing an object (i.e., the “video data” mentioned in col. 5 line 52 and col. 56 line 34 inherently includes an object) and detecting means detects a change of the input motion-image data (see item 12 (subtraction) shown in figure 2 functions as the so called “detecting means” because it is how subtraction performs), Reininger does not teach a camera parameter of the capture means. Such features are well known in the art as evidenced by Stevens for example.

Stevens, in the same field of invention that of encoding video signals generated by a camcorder or video camera (see col. 1 line 44 and figure 1), teaches: (1) the “Record pause condition provides the user with the ability to change the recorded scene” (col. 3 lines 23-25), and (2) “detect motion” (col. 2 line 39). Thus, these teachings by Stevens corresponds to the so called “camera parameter”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the conventional teachings as taught by Stevens in combination with Reininger because by including a camcorder having such features would greatly enhance the video signals output thereby speed up the encoder by reducing the unwanted object presented in video signal before such video signal is being to be encoded.

Regarding claim 7, Stevens further teaches at least one of a change of white balance (see col. 1 line 36-37), a change of the iris (see col. 1 lines 24-25), and a change of zooming (see col. 1 line 24).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reininger et al. (US Patent No. 5,426,463) in view of Matsunoshita (US Patent No. 5,608,654).

Art Unit: 2621

The advanced statements as applied to claim 1 with regard to Reininger above are incorporated herein.

Regarding claim 8, Reininger fails to explicitly teaches comprising recording means for recording the motion-image data encoded by said encoding means, into a recording medium. However, such utilizing a recording medium for recording encoded data is well known in the art as evidenced by Matsunoshita for example.

Matsunoshita, in the field of invention that of image coding (see figure 1), teaches a image recording medium for recording the encoded data (see “image recording medium” shown at 4 of figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording medium for recording encoded data as taught by Matsunoshita in combination with Reininger in order to reserve the data, help transferring encoded data to decoder system in case of lack communication means, and easily distributing the encoded data among other system in the networking environment.

Allowable Subject Matter

7. Claims 13-23 are allowed.

8. The following is an examiner’s statement of reasons for allowance:

Regarding claim 13, the cited prior art (Reininger) fails to teaches or suggest an image encoding apparatus, comprising: an input device for inputting motion-image data; a quantizer for quantizing the inputted motion-image data, based on quantization coefficient information applied to an input of said quantizer; an encoder for encoding image data quantized by said quantizer to output corresponding encoded image data including a number of codes; a rate control circuit for

Art Unit: 2621

determining whether or not the number of codes included in the encoded image data exceeds a predetermined I threshold value, and for outputting a selected one of a plurality of first sets of quantization coefficients, based on a result of that determination; a memory storing a plurality of second sets of quantization coefficients; and a selector for selecting either the first set of quantization coefficients output by said rate control circuit or one of the second sets of quantization coefficients stored in said memory, and applying the selected set of quantization coefficients to the input of said quantizer, to cause said quantizer to quantize the inputted motion-image data, based on that selected set of quantization coefficients.

Claims 14-21 are also allowed as being dependent upon the allowed based claim 13.

Regarding claims 22-23, it is noted that claims 22-23 recite similar features called for in claim 13. Thus, claims 22-23 are also allowed for the same reasons as set forth in claim 13 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments filed 10/20/03 have been fully considered but they are not persuasive.

In reply to Applicant's arguments, see page 12 last paragraph to page 13 first 4 lines, with regard to claim 1, for example, it is noted that Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable

Art Unit: 2621

invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In this case, the patent to Reininger et al. teaches the claimed features as recited in the instant claim 1. For example, Reininger teaches an image coding apparatus (i.e., the “compression system” generally shown in figure 2 and mentioned in col. 2 lines 11-13 functions as the so called “image coding apparatus”) comprising:

input means for inputting motion-image data (see “video input” shown at 2 in figure 1 and 10 in figure 2 and mentioned in col. 6 lines 33-34);

control means (see “processor” shown at 27 of figure 2) for outputting an encoding parameter (i.e., the “quantization factor” outputted from “p MEM” comprised in processor 27 to quantization 14 corresponds to the so called “encoding parameter” according to figure 2 and col. 7 lines 35-37) such that an amount of code provided when the input motion-image data is encoded in units of predetermined sizes is a predetermined amount of code (see col. 2 line 48 to col. 3 line 53. Note that the “8x8 blocks” (col. 2 line 51, for example) corresponds to the so called “units of predetermined size”, the “target bit allocation R_j ” (col. 3 line 24) corresponds to the so called “amount of code”, and the “target R_{GOP} ” (col. 2 line 67 and shown in equation 2 in col. 3) corresponds to the so called “predetermined amount of code”);

storage means for storing the encoding parameter output from said control means (see the “quantization table” or “q MEM” disclosed at item 27 of figure 2 and mentioned in col. 7 lines 35-37);

selecting means for selecting the encoding parameter output from said control means or a past encoding parameter stored in said storage means (the selection of the quantization factors mentioned in col. 4 line 11 and lines 27-50 (note the different quantization factor is selected for

Art Unit: 2621

encoding different type of frame namely I/P/B frames and these quantization factors are stored in the look-up tables shown in figures 4-6)); and

encoding means for encoding the motion-image data input by said input means using the selected encoding parameter (see “encoder” generally shown in figure 2 and mentioned in col. 6 lines 15-16. Note that the video signal input at 10 in figure 2 corresponds to the so called “motion-image data” according to col. 6 lines 33-34. The so called “selected encoding parameter” is met by the quantization factor stored in “q MEM” in processor 27. Note that this quantization factor is selected from look-up table shown in figures 4-6 and mentioned in col. 4 lines 26-50)

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2621

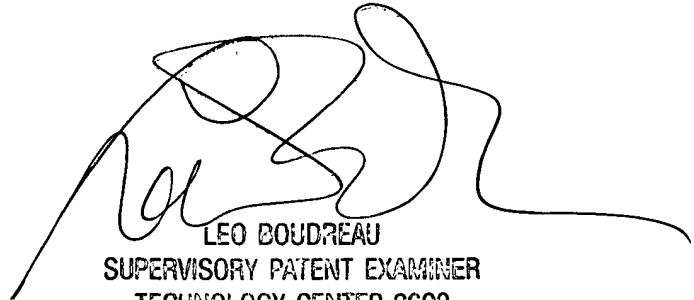
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for all regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

dm

dmd
1/20/03


LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
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